

**Piedmont Properties, Inc. d/b/a Hempstead Motor  
Hotel and Local 32B-32J, Service Employees  
International Union, AFL-CIO. Case AO-237**

August 23, 1982

**ADVISORY OPINION**

On July 6, 1982, a petition for an advisory opinion, and a memorandum in support thereof, was filed by Piedmont Properties, Inc. d/b/a Hempstead Motor Hotel, herein called the Employer, in conformity with Sections 102.98 and 102.99 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, seeking to determine whether the Board would assert jurisdiction over the Employer.

In pertinent part the petition and memorandum allege as follows:

(1) There is pending before the New York State Labor Relations Board, herein called the State Board, a petition filed by Local 32B-32J, Service Employees International Union, AFL-CIO, herein called the Union, Case SE-54403, seeking a representation election. No determination has been made by the State Board with respect to such petition.

(2) The Employer is a private corporation operated for profit. It presently owns and operates a motor hotel located in West Hempstead, New York, which has 72 rooms which are rented on a daily rate basis. All of its guests are transient. The Employer's principal office is at the above location. By its petition, the Employer asserts that its gross annual revenues exceed \$500,000 and that it annually purchases goods and services involved in interstate commerce valued in excess of \$50,000.

(3) The Union neither admits nor denies the aforesaid commerce data and the State Board has made no findings with respect thereto.

(4) There is no representation or unfair labor practice proceeding pending before this Board.

(5) Although served with a copy of the petition for advisory opinion no response, as provided by the Board's Rules and Regulations, has been filed by any party.

On the basis of the above, the Board is of the opinion that:

(1) The Employer presently owns and operates a motor hotel located in West Hempstead, New York.

(2) The Board's current standard for the assertion of jurisdiction over owners of hotels and motels, who come within the Board's legal jurisdiction, is a gross annual revenue in excess of \$500,000.<sup>1</sup>

As the Employer's gross annual revenues exceed \$500,000, and as its annual purchases of goods and services involved in interstate commerce are valued in excess of \$50,000, we would assert jurisdiction over the Employer's operations.

Accordingly, the parties are advised, under Section 102.103 of the Board's Rules and Regulations, Series 8, as amended, that, based on the allegations herein, the Board would assert jurisdiction over the operations of the Employer with respect to labor disputes cognizable under Sections 8, 9, and 10 of the Act.

<sup>1</sup> *Penn-Keystone Realty Corp.*, 191 NLRB 800 (1971).